

REMARKS/ARGUMENTS

By this amendment, claims 2 and 13 are amended. Claims 1-22 are pending, of which claims 1, 6-12 and 14 are withdrawn. Claims 20-22 are independent claims which incorporate the subject matter of claims 16, 17 and 19, which claims were not rejected over the prior art and were merely objected to on page 8, second paragraph, last sentence of the Office Action. The additional fee for these independent claims is attended to herewith.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Rejection under 35 USC §103

Claims 2-5, 13, 15 and 18 are rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 3,501,260 to Tesoro (Giuliana) in combination with International Application WO 97/49733 to Francotte. This rejection is respectfully traversed.

Tesoro discloses a treatment of soluble polymers containing free hydroxyl groups with polyfunctional beta-oxyethyl sulfones. These polymers are used for the manufacture of textiles.

The process disclosed in Tesoro leads to polymer bis-ethers, as this appears from the specification, particularly Col.3, lines 5-69. In order to distinguish the claimed invention clearly over the teaching of Tesoro, amendments to the claims have been proposed to delete the possibility of "Y" being a single bond. Thus, Y is now selected from a -NH-CO-, -NH-CS- or -CO- group. Accordingly, when X is an oxygen atom, X and Y form carbamate, thiocarbamate or ester groups. Accordingly, the compounds of the claimed invention are totally different from those disclosed in Tesoro. Moreover, Tesoro does not teach nor suggest any ability of its compounds for the separation of enantiomers.

Hence, Tesoro neither teaches nor suggests the compounds of the claimed invention nor their use as support material useful for the separation or preparation of enantiomers. Claims 2-5, 13, 15 and 18 are thus non obvious in view of Tesoro.

Francotte (WO 97/49733) discloses thermally crosslinked polysaccharide derivatives in which the OH groups have been esterified or converted into a carbamate and their use for the chromatographic separation of enantiomers. Francotte does not disclose nor suggest the specific support materials of the claimed invention consisting of cross-linked polymer comprising specific radicals of formula (I) or (II) containing ether bridges.

Accordingly, neither Tesoro nor Francotte teach or suggest the support materials of the claimed invention.

Moreover, Tesoro and Francotte relate to two extremely different technical fields and there is thus no apparent reason to combine these documents. Tesoro relates to the field of textiles and Francotte relates to support materials for chromatographic separation of enantiomers. Consequently, the person having ordinary skill in the art would never have been motivated to look at the Tesoro reference to solve the problem of the separation of enantiomers. Moreover, even if the person having ordinary skill in the art would have looked at Tesoro in view of Francotte, he would never have obtained the compounds of the claimed invention since these compounds are never disclosed nor suggested in these documents.

From the foregoing remarks, it clearly appears that the instant invention as defined in claims 2-5, 13, 15 and 18 is non obvious over the cited prior art. Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the claims are in condition for allowance. A Notice of Allowance is therefore respectfully solicited. Should the Examiner believe that a discussion with the undersigned counsel would expedite prosecution of the application, a telephone call to 703-812-5325 would be welcomed. If the undersigned Counsel is unavailable, the Examiner is invited to telephone Counsel's assistant Ms. Richardson at 703-812-5326 and she will be pleased to enlist the services of another attorney.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/I. William Millen

I. William Millen, Reg. No. 19,544
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: PET-1802-D02

Date: June 19, 2008
IWM:pdr